

BILL SUMMARY

AB 327: Birth Date on Vehicle Registration

Date: March 9, 2000

BACKGROUND

Under current law, an applicant for motor vehicle registration is required to include his or her name, address, a description of the vehicle and other specified information. However, an applicant is not required to include his or her birth date on the application. In addition, current law provides an "innocent owner" defense preventing forfeiture of a vehicle used in the commission of a crime by establishing that the vehicle's owner had no knowledge or consent of the crime. As a result, some individuals have registered their vehicles in the name of their children in order to utilize the "innocent owner" defense and prevent the vehicles from being seized as a result of criminal activities.

SUMMARY OF AB 327 (AS AMENDED BY COMMITTEE)

AB 327 as amended would make the "innocent owner" defense inapplicable to a vehicle that was owned by a person who is under 16 years of age at the time of the offense giving rise to the forfeiture action. Originally, the bill would have simply prohibited the Department of Transportation from registering vehicles to applicants under the age of 16. However, concerns were raised that this would preclude minors from owning vehicles inherited from relatives. Thus, AB 327 was amended to make the "innocent owner" defense inapplicable. In addition, AB 327 would require DOT to treat birth dates as personal identifiers and withhold this information from persons requesting information concerning ten or more registrants.

AMENDMENTS

Assembly Amendment 1 to Assembly Bill 327 eliminated the language that would have prohibited the DOT from registering vehicles to applicants under the age of 16, and made the "innocent owner" defense inapplicable. Assembly Amendment 1 was adopted 14-0-3 (Reps. Townsend, Hasenohrl and Turner absent).

FISCAL EFFECT

A fiscal estimate prepared by the Department of Transportation indicates that the fiscal effect will be relatively minor and could be absorbed within their budget. The amendment relating to forfeiture will have no additional fiscal effect.

PROS

- 1. By eliminating the "innocent owner" defense for vehicles owned by persons under 16 years of age, criminals will no longer be able to prevent the forfeiture of their vehicles by registering their vehicles under their children's names.
- 2. AB 327 will provide law enforcement with another tool to use during criminal investigations. Vehicles are often key components of criminal investigations such as prostitution and drug dealing. With the ability to verify the age of the individual registering a specific vehicle, law enforcement can more effectively use vehicle registrations to track down criminals.

3. AB 327 would include birth dates as personal identifiers and require DOT to withhold this information from persons requesting information concerning ten or more registrants.

CONS

1. None apparent.

SUPPORTERS

Rep. Antonio Riley, author; Sen. Brian Burke, lead co-sponsor; Commander Dean J. Collins, Milwaukee Police Department; and Dextra Hadnot, City of Milwaukee.

OPPOSITION

No one testified or registered in opposition to AB 327.

HISTORY

Assembly Bill 327 was introduced on May 6, 1999, and referred to the Assembly Committee on Transportation. A public hearing was held on October 12, 1999. On October 21, 1999, the Committee voted 14-0-3 [Reps. Townsend, Hasenohrl and Turner absent] to recommend passage of AB 327 as amended.

CONTACT: Sheri Krause, Office of Rep. David Brandemuehl

FISCAL ESTIMATE WORKSHEET			1999 Session				
Octailed Estimate of Annual Fiscal Effect OA-2047 (R10/94)	☑ ORIGINAL ☐ CORRECTE	☐ UPDATED D SUPPLEMENTAL	LRB or Bill No./Adm. Rule AB 327, LRB-1853/1	No. Amendment No.			
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One-time Costs or Revenue Impacone.	ts for State and/or	Local Government (do not include in annua	lized fiscal effect):			
. Annualized Costs:	Annualized Costs:			Annualized Fiscal impact on State funds from:			
A. State Costs by Category	s by Category			Decreased Costs			
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(FTE Position Changes)			(FTE)	(- FTE)			
State Operations - Other Cost	S			•			
Local Assistance	***************************************			• · · · · · · · · · · · · · · · · · · ·			
Aids to Individuals or Organiza	ations			•			
TOTAL State Costs by Ca	tegory		\$	\$ -			
State Costs by Source of Funds			Increased Costs	Decreased Costs			
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SEG/SEG-S							
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ncy/Prepared by: (Name & Phone No.) sportation/Carson P. Frazier (266-7857)		Authorized Signature/Tel	lephone No. 266-2233	Date 5/17/99			
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FISCAL ESTIMATE WORKSHEET



State Representative Antonio R. Riley 18th Assembly District

TO:

Members of the Assembly Committee on Transportation

FROM:

Representative Antonio R. Riley

DATE:

October 20, 1999

RE:

Assembly Bill 327, scheduled for executive action on Thursday, October

21, 1999

Memorandum

I urge you, the members of the Assembly Transportation Committee, to vote for Assembly Bill 327 as amended. The Wisconsin Chief of Police Association, the Milwaukee Police Department and Milwaukee County District Attorney's office support this legislation that will strengthen law enforcement efforts against drug dealers and other criminals. This bill will be taken up in an executive session on Thursday, October 21, 1999.

What this bill doesn't do.

Several members of the committee expressed reservations on prohibiting minors from owning vehicles inherited from relatives. I share those concerns and made sure that this legislation would not impinge that right. AB 327, as amended, doesn't prohibit ownership of motor vehicles by minors in anyway.

What the bill does & why it is needed.

Making "birth date" a required personal identifier on registration applications.

Law enforcement agencies throughout the state have been forced to deal with a loophole relating to vehicle registration. As you know, current law does not require an individual registering a motor vehicle to give the Department of Motor Vehicles (DMV) their birth date when applying for registration.

For law enforcement agencies, this makes investigating certain types of crimes very difficult. Vehicles are often key components of criminal investigations such as prostitution and drug dealing. Without the ability to verify the age of the individual registering a specific vehicle,

law enforcement agencies can not effectively use vehicle registration as a tool in their investigations.

AB 327 closes this loophole by requiring the DMV to include the registrant's birth date on vehicle registration applications. By making the registrant's birth date a required personal identifier, this legislation gives law enforcement officers the ability to target their investigation on the specific individual involved in criminal activities.

As I am concerned about privacy issues, AB 327 does allow registrants to "opt out" so that their personal identifiers including birth dates would be withheld from persons requesting information concerning ten or more registrants.

Closing a loophole that allowed criminals to avoid vehicle confiscation.

At a public hearing held on AB 327, Commander Dean Collins of the Milwaukee Police Department expressed frustration over criminals registering their vehicles in the name of a minor to avoid confiscation. Current law provides an "innocent owner" defense preventing forfeiture of a vehicle used in the commission of a crime by establishing that the vehicles' owner had no knowledge or consent of the crime. This law encourages criminals to register their vehicles in the name of a minor. By registering their vehicles to a minor, criminals pervert the "innocent owner" defense into an insurance policy preventing vehicle confiscation.

To correct this flaw, I have worked with the DMV, Legislative Reference Bureau, and William Ford of the Legislative Council to craft an assembly amendment to AB327 ending this misuse of the "innocent owner" defense. The amendment amends 961.55(1)(d) 2 of the Wisconsin statutes relating to the forfeiture of vehicles. The amendment makes the "innocent owner" defense inapplicable to a vehicle that was owned by a person who is under 16 years of age at the time of the offense giving rise to the forfeiture action. Criminals will no longer prevent the forfeiture of their vehicles by registering them to minors, as law enforcement agencies will be able to take possession of these vehicles when used in the commission of a crime.

Fiscal effect of AB 327

AB 327's fiscal effect, as estimated by the DMV, will be relatively minor and could be absorbed within the Department of Transportation's budget. The amendment relating to forfeiture will have no additional fiscal effect.

DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRBa0776/1dn PEN:ch:hmh

October 19, 1999

Representative Riley:

Current law prohibits the manufacture, delivery, distribution, dispensing or acquisition of certain controlled substances and of raw materials, products and equipment of any kind used, or intended for use, in manufacturing, compounding, processing, delivering, distributing, importing or exporting those controlled substances. Under current law, any vehicle used or intended for use to transport, or in any manner to facilitate the transportation, for the purpose of sale or receipt of such controlled substances, raw materials, products or equipment, or for the purpose of transporting any property or weapon used or to be used or received in the commission of any felony related to such controlled substances may, in addition to other penalties, be forfeited to the state. Current law provides an "innocent owner" defense, under which the owner of a vehicle subject to such forfeiture may prevent the forfeiture by establishing that the offense was committed without his or her knowledge or consent.

This substitute amendment makes this "innocent owner" defense inapplicable to a vehicle that was owned by a person who is under 16 years of age at the time of the offense giving rise to the forfeiture action. This substitute amendment applies prospectively only, to vehicles used, or intended for use, in offenses on or after the date this substitute amendment takes effect.

Under current law, an applicant for motor vehicle registration is required to include his or her name and address in the application, together with a description of the vehicle and other information reasonably required by the department of transportation (DOT) to enable it to register the vehicle. This bill requires the owner to include his or her birth date in the application for registration. The bill requires DOT to treat birth dates like other personal identifiers, such as name and address, for purposes of disclosure to the public.

Paul E. Nilsen Legislative Attorney Phone: (608) 261–6926



State of Misconsin 1999 - 2000 LEGISLATURE

LRBa0776/1 PEN:ch:hmh

ASSEMBLY AMENDMENT, TO 1999 ASSEMBLY BILL 327

1	At the locations indicated, amend the bill as follows:
2	1. Page 1, line 4: after "registration" insert "and forfeiture of vehicles involved
3	in certain drug crimes".
4	2. Page 2, line 12: delete lines 12 and 13.
5	3. Page 2, line 17: delete lines 17 to 19 and substitute:
6	"Section 5m. 961.55 (1) (d) 2. of the statutes is amended to read:
7	961.55 (1) (d) 2. No vehicle is subject to forfeiture under this section by reason
8	of any act or omission established by the owner thereof to have been committed or
9	omitted without the owner's knowledge or consent;. This subdivision does not apply
10	to any vehicle owned by a person who is under 16 years of age on the date the vehicle
11	is used, or is intended for use, in the manner described under par. (d) (intro.).
12	Section 5r. Initial applicability.

(1) The treatment of section 961.55 (1) (d) 2. of the statutes first applies to vehicles used, or intended for use, on the effective date of this subsection in the manner described under section 961.55 (1) (d) 2. of the statutes.".

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(END)

Misconsin Chiefs of Police Association, Inc.

116 Humphrey Circle So., Shawano, Wisconsin 54166

Telephone: (715) 524-8283

Fax: (715) 524-8280

JOSEPH S. COUGHLIN President Chippewa Falls DAVID L. TELLOCK 1st Vice President De Pere HANS W. LUX, JR. 2nd Vice President Eagle RICHARD W. MYERS 3rd Vice President Appleton DONALD L. THAVES Executive Secretary Shawano EDWARD A. RUDOLPH, JR. Treasurer Port Washington





1907

October 16, 1999

Rep. Jeff Stone State Capitol Room 306-North P.O. Box 8953 Madison, WI 53708

Re:

Support for AB-327

Dear Representative Stone:

On behalf of the Wisconsin Chiefs of Police Association I would like to declare our support for AB-327 requiring the owner of a vehicle to include their date of birth in the application for registration.

This proposed legislation would prove beneficial to the public because police departments would be able to identify an individual through a check on the license plate and vehicle registration and avoid the pitfalls of wrongly accusing or pursuing an individual bearing the same name as a suspect. The date of birth serves as another component in the identification process of suspects and eliminates persons with similar names from this invasive process.

We encourage you to support the passage of this legislation. Thank you for your time on this matter and please contact me should any questions remain.

Sincerely,

Gary J. Mikulec

Chief of Police Whitefish Bay

#414-962-3497



OFFICE OF DISTRICT ATTORNEY

Robert D. Donohoo Jon N. Reddin Carol Lynn White James J. Menin

Milwaukee County

E. MICHAEL McCANN . District Attorney

October 19, 1999

VIA FACSIMILE (608) 282-3649

REPRESENTATIVE DAVID BRANDEMUEHL

1999 Assembly Bill 327 Re:

Dear Representative Brandemuehl:

I have been informed that an Executive Session will be held on Thursday, October 21, 1999 on 1999 Assembly Bill The purpose of this letter is to express the support of the Milwaukee County District Attorney's Office for that Bill.

1999 Assembly Bill 327 addresses a problem with the current vehicle registration law. The vast majority of people in the State of Wisconsin who register vehicles do so for lawful purposes and in fact want to ensure that the vehicle is registered specifically in their name. Unfortunately certain people, for various reasons including illegal purposes, do not want the vehicle registered specifically to them. One such example is drug dealers who register cars in the name of minor children to avoid the asset forfeiture law. 1999 Assembly Bill 327 would help stop this problem. Therefore, the Milwaukee County District Attorney's Office wholeheartedly supports the above Assembly Bill.

Sincerely,

Robert D. Donohoo

Deputy District Attorney

RDD:tea

Dextra Hadnot VIA FACSIMILE 286-8547

Thomas A. Schule
Alexander G. Skienarz
Fredic S. Missarie
vvillam J. Molley
Garald P. Fall Pamor J. Kenney Donald S. Jacks Gale G. Shellon Terry Magazign Gens D. Mankort w J. Rimo Cynthia G. Brown Norman A. Gatin Georgio N. Prietz, III Alico E. Ficad Supphenia Gineria Pe Mary Anna Smith Mark S. Williamo Linda Johnson John M. Stoider Thomas I Ponel Oweld Foisa Rayann Chandler Szychilnaki Ellen Cantalon Carrie Manchester enneth A. Berg tenbow P. Chee Lowell Johnson, Jr. Watton D. Zier Carol Berry Cro-Steven V. Licate Dred Vorponi raul Illin Minum S. Feik Phyllis M. DeCenvalho Dennie P. Murphy Christophor Fond Thomas J McAdama Bruce J. Landgraf Mary K. McCasin Osnia J. Stingi David M. Lennan Dodge M. Scienc, SSNO Pancis A. McGows Patricis A, Incolowitane Parhuri Irane Parhuri Karan A, Loebel Namoy Emenhelm Mamadia DePeters Renald S, Dague Joanh M, Homah Catherine A. Gaudreau Laura G. Arbuckie Lon S. Kombium Kanno O'Byrne mana Unon Jenna W. Friech Kurl B. Banklay Jennes C. Griffin William P. Pipp Audroy Skellerawski Jennes Mada Giro Joanna L. Marcika John T. Chisholm Magan P. Carmody Lagra A. Crivello Darek C. Masley Brian J. Realor Karon A. Lynch Allison M. Piller Kevill R. Stromin Kelly L. Hedge Jannifer Rypel Both D. Zirgibol Shannon Carrok Sch Reterra F. Delist Busan Kwon Bun David T. Maloru Julius Kim Julius Kim Julius J. Akonburg Rachbol Gressins Deporati L. Milla Peni Wabbach Kent L. Lovens Roy L. Williams Notson W. Philips, H AGIOR J, WOLLD Bradiand J. Logadion Patrick J. Faffey Margaret M. Zimmer Eszereth Blackerbod Brika W. Becker Michael T. Mehonay



John O. Norquist

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Department of Administration

Intergovernmental Relations Division

City Hall, Room 606, 200 East Wells Street, Milwaukee, Wisconsin 53202-3515

Phone (414) 286-3747 Fax (414) 286-8547

October 20, 1999

Rep. David Brandemuehl, Chairperson Assembly Committee on Transportation State Capitol, Room 317-North P.O. Box 8952 Madison, WI 53708-8952

Dear Rep. Brandemuehl:

Cc:

On Thursday, October 21, 1999, your Assembly Committee on Transportation will take action on AB-327 that is relating to birth dates on vehicle registration. I am writing to encourage passage of AB-327 as the bill is amended to include sec. 961.55 (1)(d) 2 of Wisconsin Statutes.

The amendment provides law enforcement with the means to confiscate vehicles registered to minors under the age of 16 who attempt to invoke the "innocent owner" defense. AB-327 as amended does not affect vehicle titling and therefore does not impact inheritors. Lastly, AB-327 as amended does not fiscally impact the Department of Motor Vehicles.

The City of Milwaukee and the Milwaukee Police Department view this legislation as necessary to stop criminal practices involving vehicles registered in the names of minor children by drug dealers and other scofflaws. By restricting vehicle registration to begin at age 16 and requiring birth dates as identifiers on vehicle registration, law enforcement agencies across the state will have an effective tool to track down perpetrators.

AB-327 is a positive reflection of the state working with the City of Milwaukee and other municipalities to resolve crime. I appreciate your support and co-sponsorship of this legislation. I am hopeful AB-327 will receive a unanimous vote and passage by committee members.

Yours truly,

DEXTRA HADNOT

Legislative Coordinator

Assembly Transportation Committee Members



State Representative Antonio R. Riley 18th Assembly District

TO:

Members of the Wisconsin Assembly

FROM:

Representatives Antonio Riley

DATE:

March 8, 2000

RE:

Assembly Bill 327, scheduled for floor action on Thursday, March 9,

2000

Memorandum

I urge the members of the Wisconsin Assembly to vote for Assembly Bill 327 as amended. The Wisconsin Chief of Police Association, the Milwaukee Police Department and Milwaukee County District Attorney's office support this legislation strengthening law enforcement efforts against drug dealers and other criminals. The Assembly will vote on this bill Thursday, March 9, 2000.

What this bill doesn't do.

Several members of the transportation committee expressed reservations on prohibiting minors from owning vehicles inherited from relatives. I shared those concerns and made sure that this legislation would not impinge that right. AB 327, as amended by Assembly Amendment 1, doesn't prohibit ownership of motor vehicles by minors in any way.

What the bill does & why it is needed.

Making "birth date" a required personal identifier on registration applications.

Law enforcement agencies throughout the state have been forced to deal with a loophole relating to vehicle registration. As you know, current law does not require an individual registering a motor vehicle to give the Department of Motor Vehicles (DMV) their birth date when applying for registration.

For law enforcement agencies, this makes investigating certain types of crimes very difficult. Vehicles are often key components of criminal investigations such as prostitution and drug dealing. Without the ability to verify the age of the individual registering a specific vehicle,

law enforcement agencies can not effectively use vehicle registration as a tool in their investigations.

AB 327 closes this loophole by requiring the DMV to include the registrant's birth date on vehicle registration applications. By making the registrant's birth date a required personal identifier, this legislation gives law enforcement officers the ability to target their investigation on the specific individual involved in criminal activities.

As I am concerned about privacy issues, AB 327 does allow registrants to "opt out" so that their personal identifiers including birth dates would be withheld from persons requesting information concerning ten or more registrants.

Closing a loophole that allowed criminals to avoid vehicle confiscation.

At a public hearing held on AB 327, Commander Dean Collins of the Milwaukee Police Department expressed frustration over criminals registering their vehicles in the name of a minor to avoid confiscation. Current law provides an "innocent owner" defense preventing forfeiture of a vehicle used in the commission of a crime by establishing that the vehicles' owner had no knowledge or consent of the crime. This law encourages criminals to register their vehicles in the name of a minor. By registering their vehicles to a minor, criminals pervert the "innocent owner" defense into an insurance policy preventing vehicle confiscation.

To correct this flaw, we have worked with the DMV, Legislative Reference Bureau, and William Ford of the Legislative Council to craft an assembly amendment to AB327 ending this misuse of the "innocent owner" defense. The amendment amends 961.55(1)(d)(2) of the Wisconsin statutes relating to the forfeiture of vehicles. The amendment makes the "innocent owner" defense inapplicable to a vehicle that was owned by a person who is under 16 years of age at the time of the offense giving rise to the forfeiture action. Criminals will no longer prevent the forfeiture of their vehicles by registering them to minors, as law enforcement agencies will be able to take possession of these vehicles when used in the commission of a crime.

The Assembly Transportation Committee approved this amendment and passed AB327 out of Committee unanimously.

Fiscal effect of AB 327

AB 327's fiscal effect, as estimated by the DMV, will be relatively minor and could be absorbed within the Department of Transportation's budget. The Assembly Amendment 1 relating to forfeiture has no additional fiscal effect. **The Department of Transportation does not oppose AB327 as amended.**



Wisconsin Department of Transportation

DIVISION OF MOTOR VEHICLES Bureau of Vehicle Services 4802 Sheboygan Avenue P. O. Box 7909 Madison, WI 53707-7909

Assembly Transportation Committee October 12, 1999 Testimony, Gregory M. Niva

Telephone (608) 266-2235 FAX (608) 267-6974

AB 327: requiring motor vehicle owners to include their birth dates on applications for motor vehicle registration:

- This bill requires applicants for vehicle registration under Chapter 341 to include on the application form for original registration the applicant's birth date.
- The bill designates birth date as a personal identifier for purposes of registration lists which DMV is required to compile, and includes birth dates among the personal identifiers that an applicant may direct DMV not to disclose when DMV issues its registration lists.
- The bill requires DMV to refuse to register a vehicle if the applicant for registration is under age 16.
- Most Instruction Permit holders are under 16, and we estimate that about 8,500 registration applications will be presented each year. This represents 10% of the 85,000 Instruction Permits issued annually.
- The additional work resulting from the rejection of 8,500 applications is about 350 hours per year, which may be absorbed within DMV's current budget.
- No revenue change is estimated since we assume that all vehicles will eventually be registered.
- We understand that the problem this bill is addressing is persons who are engaging in unlawful activities registering their vehicles in the name of children, to prevent vehicles from being seized. If the intent is to address vehicle seizure, we wonder if a more appropriate statutory change would be to Chapter 342, vehicle ownership and titling. Violations under Chapter 341 would only result in a penalty for fraudulent application for registration.

Testimony before the Assembly Transportation Committee October 12, 1999 Gregory M. Niva

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Vote Record

Assembly Committee on Transportation

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Committee Member Rep. David Brandemuehl Chor Rep. Jeff Stone Rep. Eugene Hahn Rep. Michael Huebsch Rep. Steve Kestell Rep. Joseph Leibham Rep. Jerry Petrowski Rep. Scott Suder Rep. John Townsend Rep. Julie Lassa Rep. Donald Hasenohrl Rep. Barbara Gronemus Rep. Robert Turner Rep. Leon Young Rep. John Steinbrink Rep. Larry Balow Rep. Gary Sherman	ir Totals: _			t Not Voting		

Motion Carried

Motion Failed

Vote Record

Assembly Committee on Transportation

Date:		Seconded by: Clearinghouse Rule: Appointment: Other:		Egon A		
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Committee Member Rep. David Brandemuehl Chapper Rep. Jeff Stone Rep. Eugene Hahn Rep. Michael Huebsch Rep. Steve Kestell Rep. Joseph Leibham Rep. Jerry Petrowski Rep. Scott Suder Rep. John Townsend Rep. Julie Lassa Rep. Donald Hasenohrl Rep. Barbara Gronemus Rep. Robert Turner Rep. Leon Young Rep. John Steinbrink Rep. Larry Balow Rep. Gary Sherman	nair Totals:			Absent	Not Votir	ng.

Motion Carried

Motion Failed